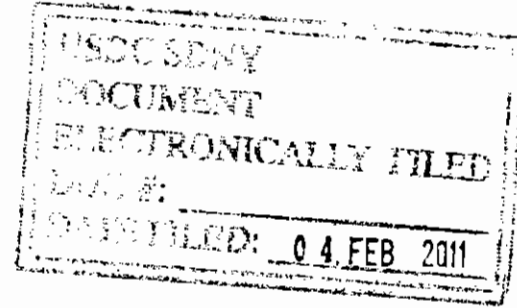
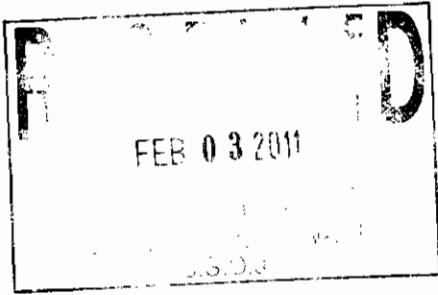


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February 3, 2011

**BY HAND**

The Honorable Laura Taylor Swain  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**MEMO ENCLOSED**

Re: Cimmering, et al. v. Merrill Lynch Mortgage  
Investors, Inc., et al., Index No. 10 CV 9402 (LTS)

Dear Judge Swain:

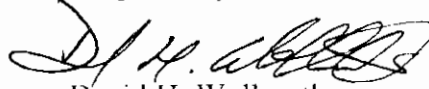
We represent defendants ORIX Capital Markets, L.L.C. and ORIX Real Estate Capital Markets, L.L.C. and John Dinan (collectively, the "ORIX Parties") in the above-referenced action. Yesterday, I spoke with your law clerk in charge of this matter regarding the Court's *sua sponte* Orders dated January 5 and January 26, 2011 directing Plaintiffs to supplement their Complaint to add allegations sufficient to show a basis for subject matter jurisdiction in this Court. Currently, Plaintiffs have until February 8, 2011, to respond to these Orders.

At present, the time for the ORIX Parties to answer or move with respect to Plaintiffs' Complaint is February 21, 2011. If Plaintiffs cannot demonstrate subject matter jurisdiction by February 8, it is likely that the ORIX Parties (and the other defendants) will unnecessarily expend significant resources preparing a motion to dismiss Plaintiffs' 79-page, 13-count Complaint.

Accordingly, if Your Honor allows this matter to proceed in this Court, we respectfully request that the ORIX Parties' (and the other defendants') time to answer or

move in response to the Complaint be extended to three weeks from the date of such ruling. We appreciate Your Honor's attention in this matter.

Respectfully submitted,

  
David H. Wollmuth

cc: Michael E. Johnson, Esq., counsel for Defendant Wells Fargo Bank, N.A. (by e-mail)  
Robert Edwards, Esq., counsel for Defendant Keycorp, Inc. (by e-mail)  
Brett Anders, Esq., counsel for Defendant Keycorp, Inc. (by e-mail)

Avram and Cindy Cimmering, *pro se* Plaintiff  
3145 Coney Island Avenue,  
New York, New York, 11235  
(by Federal Express)

*The request is granted.*

SO ORDERED

NEW YORK, NY

  
LAURA TAYLOR SWAIN  
FEB 4 2 011 UNITED STATES DISTRICT JUDGE